

**DEPARTMENT OF WORKFORCE
DEVELOPMENT**

Secretary Roberta Gassman
201 East Washington Avenue
P.O. Box 7946
Madison, WI 53707-7946
Telephone: (608) 266-7552
FAX: (608) 266-1784
www.dwd.state.wi.us



**State of Wisconsin
Governor Jim Doyle**

**DEPARTMENT OF HEALTH AND
FAMILY SERVICES**

Secretary Helene Nelson
1 West Wilson Street
P.O. Box 7850
Madison, WI 53707-7850
Telephone: (608) 266-9622
FAX: (608) 266-7882
www.dhfs.state.wi.us

**TO: Economic Support Supervisors
Economic Support Lead Workers
Training Staff
Child Care Coordinators
W-2 Agencies**

**FROM: Amy Mendel-Clemens
Communications Section
Bureau of Health Care Eligibility**

BHCE/BWP OPERATIONS MEMO

No.: 03-46 Correction

Date: 07/31/2003

Non W-2 [X] W-2 [X] CC [X]

PRIORITY: HIGH

**SUBJECT: CHANGES TO ALIEN/REFUGEE SCREEN (ANAR) IN CARES
AND NEW NON-CITIZEN POLICY FOR W-2 AND CHILD CARE**

CROSS REFERENCE: Operations Memo's:
03-41 Non-Citizen Eligibility for Medicaid
01-55 Impact on Eligibility of the "Trafficking Victims Protection
Act of 2000"
98-86 Qualified Alien Self-Study Guide – Version 2,
97-133 Alien Eligibility for Medical Assistance
Food Stamp Handbook Appendix 4 and 25.09
W-2 Manual, Section 2.2.1.1
MA Handbook 2.2.0

EFFECTIVE DATE: July 26, 2003

PURPOSE

This memo outlines changes made to the Alien/Refugee screen (ANAR) in CARES. This memo introduces new fields on ANAR relevant to Medicaid (MA), Food Stamp (FS), Wisconsin Works (W-2), Child Care (CC), Caretaker Supplement (CTS) and SeniorCare (SC) programs, and outlines instructions on how to implement new policy using the new fields. These changes provide for CARES support for the policy changes made in Operations Memos 03-41 and 01-55. They also extend W-2/CC eligibility to legal, temporary aliens who have an Employment Authorization Document (EAD) issued by the Bureau for Citizenship and Immigration Services (BCIS). The following changes have been made to ANAR:

- Removal of "Refugee Status" and "Status Expiration Date" fields,

- New definition for “Date of Entry/Status” field,
- Addition of “EAD” (Employment Authorization Document) field,
- Addition of “Arrival Date (MA)” field,
- Addition of “Continuously Present in the U.S” field,
- Separation of “Work Quarters Met” and “Military Requirement Met” field,
- Addition of a new Alien Registration status code (19) Victims of trafficking,

The remaining fields on this screen have not changed and should be completed as previously instructed.

ANAR SCREEN WITH NEW FIELDS

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ANAR                                ALIEN/REFUGEE                                07/01/03 14:08
CASE: 2000503926                    WORKER: XCTA23      XCTA23 P JANSSEN
LAST UPDATED: 07 01 03              CASE STATUS: PENDING CASE MODE: INTAKE

NUM: 01 NAME: LUCIA                  NONCITIZEN                      SSN: 336 99 6633
DC: __ BEGIN MMY: 0703 END MMY: ____
COUNTRY OF ORIGIN CODE: 04          ARGENTINA
ALIEN REGISTRATION STATUS: 02      VR: AF      ❶DATE OF ENTRY/STATUS: 01 01 2003
ALIEN REGISTRATION NUMBER: 123456__ VR NUMBER: 8901223__ ❷EAD: (Y/N) Y
ALIEN SPONSOR? (Y/N/?/F): N
❸ARRIVAL DATE (MA): 12 01 2002 VR: AF
❹CONTINUOUSLY PRESENT IN THE U.S.: (Y/N) Y VR: __
❺WORK QUARTERS MET? (Y/N) N VR: __ ❻MILITARY REQUIREMENT MET? (Y/N) N VR: __
ADULT MEMBER (BORN PRIOR TO 05/08/75) OF HMONG OR HIGHLAND LAOTIAN TRIBE,
OR SPOUSE OR UNREMARKED SURVIVING SPOUSE OF THE MEMBER? (Y/N): N
UNMARRIED DEPENDENT CHILD OF HMONG/HIGHLAND LAO. DEPENDENT IS: UNDER
AGE 18; OR FULL-TIME STUDENT AND UNDER AGE 22? (Y/N): N

-----INDIVIDUALS-----
01 LUCIA N (PP )      02 MARCI N ( )

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AT A GLANCE – FIELD IMPACT ON ALL PROGRAMS

Program	Field Name					
	Arrival Date	Date of Entry/Status	Continuously Present	Military Requirements	Work Quarters Met	EAD
MA	X	X	X	X		
SC	X	X	X	X		
CTS	X	X	X			
FS		X		X	X	
CC						X
W-2						X

NEW OR MODIFIED FIELDS AND EFFECT ON ASSISTANCE PROGRAMS**Date of Entry/Status field****Affects: FS/ MA/CTS/SC**

The US Entry Date has been redefined and reworded to "Date of Entry/Status". All programs will continue to use this field to record the date of entry or a status change. This will always be the date provided by BCIS. MA/CTS/SC will use this field as well as the arrival date field to determine eligibility.

If the five year ban, on MA eligibility, is in effect (starting from the Date of Entry/Status date) and expires in mid-month, the individual will be eligible from the 1st of the month in which the ban ended.

CARES Change**① DATE OF ENTRY/STATUS: MMDDYYYY**

The date received from primary verification through SAVE is what is recorded here for all programs.

Does not affect: CC/W-2

CC/W-2 programs do not use this field in the eligibility determination process.

EAD - Employment Authorization Document Field**Affects: W-2/CC Programs**

Since early 2003 legal non-citizens with status code 02, 07, 08, 12, 13 and 14 who have an Employment Authorization Document (EAD) are now eligible for W-2 and CC benefits. This will allow W-2 to help certain legal aliens who are authorized to work to obtain meaningful and self-sufficient employment.

Three different authorization documents may be presented as Employment Authorization Document (EAD). They are sufficient to determine non-financial eligibility based on immigration status:

1. Form (I-766)
2. Form (I-688B)
3. Modified I688B (August 1995)

These cards are credit card type documents that are issued to non-citizens who are not permanent residents but have been granted permission to be employed in the United States for a specific period of time. All three cards contain an expiration date. An expired card is not a valid authorization. As outlined in the W2 Manual 2.2.1.1.1, expired documents are presumed valid until the client can present new documentation. One of these cards must be presented to determine eligibility. For W-2/CC applicants who have been confirmed through SAVE primary or secondary verification to have an Alien Status Code 02, 07, 08, 12, 13, or 14, retain a copy of the EAD in the file.

CARES Change**Ⓢ EAD: (Y/N)**

An EAD response field has been added to screen ANAR to document whether the non-citizen has an EAD. This is a mandatory field and will initially be displayed as blank. A valid value “Y” or “N” must be entered by the worker to navigate off of the screen. The response to this field will be used to determine eligibility for W-2 and CC.

The response to this field is used in conjunction with the Alien Registration status (as entered on ANAR) to determine eligibility for W-2 and CC. If the Alien Registration Status is 02, 07, 08, 12, 13 or 14 and the EAD response is “Y,” then the non-citizen is eligible for W-2 or CC (providing they pass all other non-financial and financial criteria).

The following chart summarizes the information found on reference table TCTZ (for W-2 and CC only):

Alien Registration Status	Alien Status Description	EAD Required to be Eligible? (Y/N)
01	Lawfully Admitted for Perm Residence	N
02	Perm Res Under Color of Law (‘PRUCOL’)	Y
03	Lawfully Present Under Section 203(A)7	N
04	Lawfully Present Under Section 207(C)	N
05	Lawfully Present Under Section 208	N
06	Lawfully Present Under Section 212(D)(5)	N
07	IRCA	Y
08	Lawfully Admitted; Temporary	Y
09	Undocumented Alien	N/A – Not eligible
10	Illegal Alien	N/A – Not eligible
11	Cuban/Haitian Entrant (Section 245A)	N
12	Considered a Permanent Resident by INS	Y
13	Special AG Worker Under Section 210(A)	Y
14	Add’l Spec AG WKR (ASAW) Section 210A(A)	Y
15	AG Withheld Deportation – Section 243	N
16	Battered Alien	N
17	Amerasians	N
18	Foreign Born American Indians	N
19	Victims of Trafficking	N

Does not affect: FS/MA/CTS/SC programs

FS/ MA/CTS and SC are not affected by entries into this field. None of the affected aliens are Qualified Aliens, so they will not be eligible for MA/FS. Workers processing cases that have not requested W-2/CC should answer the question as no.

Arrival Date (MA) Field**Affects: MA/CTS/SC Programs**

To implement **MA/CTS/SC** policy correctly for certain immigrants, an applicant’s most recent U.S. arrival date must be recorded in CARES. The “US ENTRY DATE” field has been used to record the arrival date. As explained in Operations Memo 03-41, we have learned that the “Date of Entry” provided by BCIS, (formerly known as the INS) may reflect the arrival date, the date an immigrant obtained a particular alien status, or the date any change occurred to the

person's alien status. Furthermore, when a worker queries the SAVE system to verify dates and status, (s)he will receive information on the date of the **most recent status change made** for the client and have been entering that into the "U.S. Entry Date field". To avoid wrongly denying certain applicants for MA/CTS/SC it is necessary to have distinctly separate fields for recording both the arrival date and the status date.

For individuals arriving in the U.S. prior to August 26, 1996 who now have one of the four Alien Registration Status codes listed below, it is especially important that their **latest** arrival date is recorded correctly to avoid application of the five year ban on eligibility for MA/CTS/SC.

Alien Registration Status	Alien Status Description
01	Lawfully Admitted for Permanent Residence
03	Lawfully Present Under Section 203(A)7 (Conditional Entrant)
06	Lawfully Present Under Section 212(D)(5) (Parolee)
16	Battered Alien

Use the Date of Entry/Status as the Arrival Date (MA) and NQ as the verification code for immigrants in any Alien Registration Status not listed above and for immigrants with one of these four status codes above who:

- Do not indicate that they arrived prior to August 22, 1996,
- Have a Date of Entry/Status, as verified through SAVE, that is more than five years old, or
- Meet the Military Service Requirements.

For a limited number of applicants it will be necessary to determine the latest date of arrival in the United States. The arrival may have been with some earlier, different status as documented through the SAVE system, or through arrival without documentation. If the date of arrival on their current documents (and the date contained in SAVE) indicates a Qualified Alien Status began after August 22, 1996, but the applicant indicates they were actually in the United States prior to August 22, 1996, it will be necessary to obtain additional verification to correctly determine MA/CTS/SC eligibility. To obtain accurate verification of an arrival date in this situation, secondary verification must be completed as outlined in Operations Memo 03-41. To obtain verification of an arrival date for an applicant, who arrived in undocumented status, other documentation may be accepted as outlined in Operations Memo 03-41.

NOTE ➤ Do not pend eligibility for an otherwise eligible applicant while waiting for secondary verification from BCIS, unless the arrival date is questionable.

Michaela Presta arrived in the US on July 19, 1991. Michaela returned to her home country on January 1, 1992. She re-entered the U. S. on January 1, 1996 in an undocumented status. She remained in the US, without absence, until she gained 01 status on January 1, 2000. In this situation, January 1, 1996 is her latest arrival date and should be entered in the ARRIVAL DATE (MA) field.

CARES Change**⑥ARRIVAL DATE (MA) MMDDYY with verification code**

The new arrival date and the corresponding verification will be blank and must be completed at intake for new cases and at the next review for ongoing cases. For the majority of immigrants, the ARRIVAL DATE (MA) will be the same as the 'Entry/Status Date' unless the customer claims an earlier arrival date. In these situations, where the dates are the same, NQ should be entered as the verification code.

Does not affect: FS/W-2/CC Programs

FS/W-2/CC programs do not use this field in the eligibility determination process. Workers should enter and verify the arrival date using the following guidelines:

- When customers are applying only for MA and/or CTS and/or SC, the arrival date should be filled out as discussed above. The arrival date field will impact MA, CTS and SC eligibility.
- When customers are applying for MA and/or CTS and/or SC in combination with other programs, such as FS, W-2 or CC, the arrival date should be filled out as discussed above. The arrival date field will impact MA, CTS and SC eligibility and will be ignored for the other programs.
- When customers are applying only for FS, W-2 or CC, workers are to complete the field with information gathered from the customer and use Q? as the verification code.

Continuously Present in the U.S. Field**Affects: MA/CTS/SC programs**

The continuous presence policy does not apply to those who arrived before August 26, 1996 in a qualified alien status.

Continuous presence means that they have had no single period of absence from the U. S. of more than 30 days and no accumulated absences of more than 90 days between their latest arrival date and their qualified alien status date. They demonstrate this by signing a statement declaring their continuous presence.

NOTE ➤ The primary person may sign the statement on behalf of everyone in the household. It is not necessary to have each family member sign a separate statement. When completing the statement for more than one person simply add the names of all those in the case for whom the statement applies.

A non-citizen may arrive in the U.S. **before** August 22, 1996 in a legal, but non-qualified, alien status and change their status to a qualified alien **on or after** August 22, 1996. This individual would not be subject to the five-year ban if they remained continuously present from his/her date of arrival in the U.S. until the date he/she gained qualified alien status.

A non-citizen who arrives in the U.S. **before** August 22, 1996 in undocumented status or who overstays his/her original visa is treated the same as someone who arrives and remains in the U.S. with valid immigration documents. Therefore, if this individual remains continuously present from his/her date of arrival in the U.S. until the date he/she gained qualified alien status, he/she would not be subject to the five-year ban.

For those non-citizens arriving in the U.S. with or without documentation **on or after** August 22, 1996 or those for whom continuous presence cannot be verified, the five year ban applies from the date the individual obtained qualified alien status.

Jean-Luc first entered the US in 1990 on a student visa. While a student he left the US every summer to return home to France. However, since September 1, 1995, the last time he was admitted as a student, Jean-Luc stayed in the US, only returning to France for two weeks in 1997. In April 2000, Jean-Luc became a Legal Permanent Resident. Although, Jean-Luc has been in the US since 1990, he has been continuously present in the US only since September 1, 1995. The two week period in 1997 does not count as a break in continuous presence. Since that date is earlier than August 22, 1996, the 5-year bar does not apply for Medicaid.

CARES Change

④ CONTINUOUSLY PRESENT IN THE U.S. (Y/N) with verification

The response to 'Continuously present in the U.S.' will not always be mandatory. Only when the 'Arrival Date (MA)' is prior to August 22, 1996 and the 'Date of Entry/Status' is later than the arrival date will the response be mandatory. And only for applicants with a status code of 01, 03, 06 or 16. The field will be defaulted to blank and the workers will be allowed to change the response to Y/N, if necessary.

'Y' - Indicates that the individual has been continuously present between the ARRIVAL DATE (MA) before August 22, 1996 and the date (s)he gained qualified alien status.

'N' - Indicates that the individual has not been continuously present between the ARRIVAL DATE (MA) before August 22, 1996 and the date (s)he gained qualified alien status.

Does not affect: FS/W-2/CC programs

FS/W-2/CC programs do not use this field.

- When customers are applying only for MA and/or CTS and/or SC. The continuous presence field should be filled out as discussed above. The continuous presence field will impact MA, CTS and SeniorCare eligibility.
- When customers are applying for MA and/or CTS and/or SC in combination with other programs, such as FS, W-2 or CC, the continuous presence field should be filled out as discussed above. The continuous presence field will impact MA, CTS and SeniorCare eligibility and will be ignored for the other programs.
- When customers are applying only for FS, W-2 or CC, workers are to complete the field with information gathered from the customer and use Q? as the verification code.

Both Work Quarters met? and Military Requirements Met? fields

Affects: FS program

Effective August 1, 1998, Wisconsin issues FS benefits to qualified aliens who were made ineligible for federal FS under sections 402 and 403 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA).

If all other eligibility criteria are met, CARES is programmed to make these individuals eligible for FS. It will not be apparent on CARES whether the qualified alien is receiving federal or state funded FS. Reports are created each month that are used by state staff to determine federal or

state FS eligibility. Eligibility workers must continue to enter the correct data on screen ANAR based on the information provided by the client and verified by SAVE to maintain the accuracy of these reports.

Work Quarters Met	Military Requirements Met	Individual Eligible for:	
		Federal FS	State Option Food Stamp Program (SOFSP)
N	N	N	Y
N	Y	Y	N
Y	N	Y	N
Y	Y	Y	N

Work Quarters Met?

Does not affect: W-2/CC/MA/SC/CTS

Work Quarters Met field has no impact on **W-2/CC/MA/SC/CTS** eligibility determination.

Military Requirements Met Field

Affects: MA/SC programs

If an individual's alien status would normally subject him/her to the five year ban but (s)he has met Military Requirements then (s)he may be eligible for MA:

Military Requirements Met	MA/SC
N	N
Y	Y

For persons who claim to meet military requirements and are applying for MA or SC, military service must be verified if the applicant is:

- Currently in alien status codes 01, 03, 06, 16,
- Arrived in the US on or after August 22, 1996, and
- His/her Date of Entry/Status associated with their current status is less than five years from the eligibility determination month.

Does not affect: W-2/CC/CTS

Military Requirements Met field has no impact on **W-2/CC/CTS** eligibility determination.

CARES Change

⑤ ⑥ WORK QUARTERS MET? (Y/N) VR: __ , MILITARY REQUIREMENT MET? (Y/N) VR: __

Existing 'Work Quarters or Military Requirements met? (Y/N)' field has been split into two different fields as 'Work Quarters Met? (Y/N)' and 'Military Requirements Met? (Y/N)'. Each field has its own verification field associated with it.

The existing ANAR screen data will be converted so that the data in the existing field is populated into both fields. This conversion will occur over the weekend of July 25. CARES will use the following logic to determine what to populate in the new fields:

1. If the response is presently "Y", both the new WORK QUARTERS MET? (Y/N) and the MILITARY REQUIREMENT MET? (Y/N) questions will be populated with a "Y". The verification code for each will be populated with "CV" for conversion.
2. If the response is currently "N", both the new WORK QUARTERS MET? (Y/N) and the MILITARY REQUIREMENT MET? (Y/N) will be populated with an "N". The verification code will be left blank in this situation.

At review, the CV code should be removed and a determination made as to which of these two fields correctly affects the case. Based on the documentation on file, the worker will leave the appropriate field(s) at 'Y', enter the verification, and set the other field to "N".

NEW ALIEN REGISTRATION STATUS CODE ADDED

Code 19 "Victims of trafficking" has been added to the reference table TCTZ , and affects all programs. Eligibility requirements under the Trafficking Victims Protection Act is as follows:

1. Adult victims of trafficking who are certified by the US Dept. of Health and Human Services are eligible for benefits to the same extent as refugees.
2. Children who have been subjected to trafficking are eligible the same as refugees but do not need to be certified.

CONTACTS

BHCE CARES Information & Problem Resolution Center

Email: carpolcc@dhfs.state.wi.us
Telephone: (608) 261-6317 (Option #1)
Fax: (608) 267-2269

Note: Email contacts are preferred. Thank you.

DHFS/DHCF/BHCE/JE